

Andersen Law Firm

610 Currin Court
Roswell, GA 30076

Ph 770-315-8668
Fax 770-558-4427

jlandersen@lawyer.com

June 29, 2009

UNITED STATES PATENT AND TRADEMARK OFFICE

Trademark Trial and Appeal Board

P.O. Box 1451

Alexandria, VA 22313-1451

77/628,609

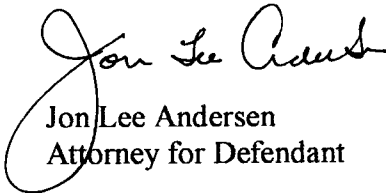
Re: American Board of Family Medicine, Inc.
v.
American Association of Physician Specialists, Inc.

Opposition No. 91190577

Ladies and Gentlemen:

Enclosed, on behalf of the Defendant in the above referenced matter, please find the APPLICANT'S ANSWER TO OPPOSER'S NOTICE OF OPPOSITION. Please file this pleading in the above matter.

Sincerely,


Jon Lee Andersen
Attorney for Defendant

enclosures



07-01-2009

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

American Board of Family
Medicine, Inc.

Opposer,

v.

Opposition No.: 91190577

American Association of
Physician Specialists, Inc.
Applicant.

**APPLICANT'S ANSWER TO OPPOSER'S
NOTICE OF OPPOSITION**

In response to the Notice of Opposition issued by the Board on June 10, 2009, American Association of Physician Specialists, Inc. ("Applicant") hereby responds to American Board of Family Medicine, Inc. ("Opposer") as follows:

1. With respect to the matters asserted in Paragraph 1 of the Notice of Opposition, Applicant denies that its agent of record is John Lee Andersen stating that its agent of record is Jon Lee Andersen. Applicant admits the remaining allegations asserted Paragraph 1 of the Notice of Opposition.
2. Applicant admits the allegations of Paragraph 2 of the Notice of Opposition.
3. Applicant admits the allegations of Paragraph 3 of the Notice of Opposition.
4. Applicant admits the allegations of Paragraph 4 of the Notice of Opposition.

5. Applicant is without knowledge or information sufficient to form a belief as to the truth of the matters asserted Paragraph 5 of the Notice of Opposition, and therefore denies same.

6. Applicant is without knowledge or information sufficient to form a belief as to the truth of the matters asserted Paragraph 6 of the Notice of Opposition, and therefore denies same.

7. Applicant admits the allegations of Paragraph 7 of the Notice of Opposition.

8. Applicant admits the allegations of Paragraph 8 of the Notice of Opposition.

9. Applicant denies the allegations Paragraph 9 of the Notice of Opposition.

10. Applicant denies the allegations Paragraph 10 of the Notice of Opposition.

11. Applicant denies the allegations Paragraph 11 of the Notice of Opposition.

12. Applicant denies the allegations Paragraph 12 of the Notice of Opposition.

13. Applicant denies the allegations Paragraph 13 of the Notice of Opposition.

14. Applicant admits the allegations of Paragraph 14 of the Notice of Opposition.

15. Applicant admits the allegations of Paragraph 15 of the Notice of Opposition.

16. Applicant admits the allegations of Paragraph 16 of the Notice of Opposition.

17. Applicant admits the allegations of Paragraph 17 of the Notice of Opposition.

18. Applicant denies the allegations Paragraph 18 of the Notice of Opposition.

19. Applicant denies the allegations Paragraph 19 of the Notice of Opposition.

AFFIRMATIVE DEFENSES

In further answer to the Notice of Opposition, Applicant asserts that:

FIRST AFFIRMATIVE DEFENSE

Opposer's Notice of Opposition fails to state a claim upon which relief can be granted, and in particular, fails to state legally sufficient grounds for sustaining the opposition.

SECOND AFFIRMATIVE DEFENSE

Opposer's purported rights extend no further than to the specific marks which Opposer alleges it owns, none of which are the same as or confusingly similar to Applicant's mark in terms of connotation, appearance and/or pronunciation.

THIRD AFFIRMATIVE DEFENSE

Applicant's use of its mark will not mistakenly be thought by the physicians or the public to derive from the same source as Opposer's goods, nor will such use be thought by physicians or the public to be a use by Opposer or with Opposer's authorization or approval.

FOURTH AFFIRMATIVE DEFENSE

Applicant's mark in its entirety is clearly sufficiently distinctively different from Opposer's marks to avoid confusion, deception or mistake as to the source or sponsorship or association of Applicant's services.

FIFTH AFFIRMATIVE DEFENSE

Applicant's mark, when used in connection with Applicant's services, is not likely to cause confusion, or to cause mistake, or to deceive as to the affiliation, connection or association of Applicant with Opposer, or as to the origin, sponsorship, or approval of Applicant's services by Opposer.

RELIEF REQUESTED

WHEREFORE, Applicant respectfully requests that this opposition proceeding be dismissed, with prejudice.

Dated: June 29, 2009

Respectfully submitted,



Jon Lee Andersen

The Andersen Law Firm
610 Currin Court
Roswell, Georgia 30076
Telephone: 770-315-8668
Facsimile: 770-588-4427
Email: jlandersen@lawyer.com

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

AMERICAN BOARD OF
FAMILY MEDICINE, INC.,
Petitioner

vs.

Opposition No. 91190577
Serial No. 77628609

AMERICAN ASSOCIATION OF
PHYSICIAN SPECIALISTS, INC.,
Applicant

CERTIFICATE OF SERVICE

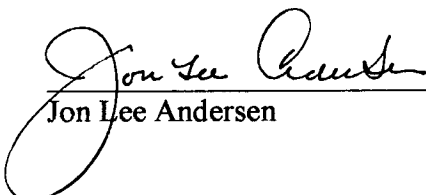
The undersigned hereby certifies that true copies of the following documents:

1. APPLICANT'S ANSWER TO OPPOSER'S NOTICE OF OPPOSITION

has been served upon all parties or their counsel of record by placing a copy of the same with the United States Postal Service as first class mail in an envelope with adequate postage thereon and addressed to:

Nick Wallingford, Esq.
WALLINGFORD LAW, PSC
3141 Beaumont Centre Circle, Suite 302
Lexington, Kentucky 40513

This 29th day of June, 2009.



Jon Lee Andersen